

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

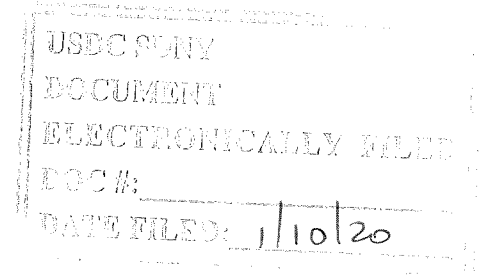
WILLIE BRIGHT,

Plaintiff,

-against-

ANTHONY ANNUCCI, et al.,

Defendants.



18-cv-11111 (NSR)

FOURTH SUPPLEMENTAL ORDER
OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff Willie Bright, proceeding *pro se*, commenced this 42 U.S.C. § 1983 action against Defendants Anthony Annucci, Thomas Griffin, Donald Wilkins, Sergeant M. Blot, Dr. Karuchee, Officer R. Kelly, Officer CJ Dillon, Officer Roggers, Sergeant Johanni, Officer Freeman, OSI Inspector H. Pharr, OSI Deputy Chief Y. Urracia, Dr. Bentivegna, OMH Jane Doe, John Does 1 and 2, and Colleen Gleason through a Complaint filed on November 28, 2018. (ECF No. 2.) Plaintiff was granted permission to proceed *in forma pauperis* on December 27, 2018. John Does 1 and 2 and OMH Jane Doe were identified in the Court's Second Supplemental Order of Service, dated April 30, 2019, as C.O. Yitzchak Sudranski, C.O. Ersan Kahyaoglu, and Nurse Suzanne Roessel. (ECF No. 45.) On July 25, 2019, Plaintiff filed an Amended Complaint adding Defendants Adam Barter, "Russo," John Does 1 and 2, and Jane Doe. (ECF No. 57.)

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). Accordingly, on November 8, 2019, the Court issued a Third Supplemental Order of Service which, *inter alia*, directed service upon Adam Barter and further directed Defendants' counsel, the New York State Attorney General (the "NYAG"), to provide the identities of Russo, John Does 1 and 2, and Jane Doe. (ECF No. 66.) The Court received correspondence from the NYAG on January 7, 2020, (ECF No. 69), regarding efforts to identify the unnamed Defendants in this action. The NYAG notified the Court that "OSI

employee Russo” has been identified as Correction Officer Irma Russo, that “John Doe Mount Vernon Hospital employee” has been identified as Dr. Anthony Ruvo, and that “Jane Doe medical employee” has been identified as Nurse Charlene Cody.

The Clerk of the Court is instructed to terminate Russo as a Defendant and is directed to add Irma Russo to the caption and the docket. The Clerk of the Court is further instructed to add Anthony Ruvo and Charlene Cody as Defendants to the caption and the docket.

To allow Plaintiff to effect service on these Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of Irma Russo, Anthony Ruvo, and Charlene Cody. The service address for Defendant Russo is: Ulster Correctional Facility, 750 Berme Road, Napanoch, New York 12458. The service address for Defendant Ruvo is: MedExcell USA, Inc., 484 Temple Hill Road, Suite 102, New Windsor, New York 12553. The service address for Defendant Cody is: Downstate Correctional Facility, 121 Red Schoolhouse Road, Fishkill, New York 12524.

The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon these three Defendants.

It is Plaintiff’s responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). Plaintiff must also notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

Based on the information provided, Defendants were unable to identify the “John Doe” correction officer who responded to Plaintiff’s complaint of sexual assault on February 28, 2016. Accordingly, Plaintiff is directed to provide further descriptive information to assist Defendants

in identifying the John Doe correction officer. Plaintiff shall provide that information to Defendants and the Court no later than February 10, 2020. Defendants must provide the identities of the John Doe correction officer to Plaintiff and the Court based on Plaintiff's supplemented description no later than March 10, 2019.

Upon receipt of this information the Court will issue an order directing the Clerk of the Court to send instructions to Plaintiff to effect service on this Defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure. Additionally, at that time, the Court may also substitute the proper name of the Defendant on the docket. Fed. R. Civ. P. 15(c).

The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff at the address listed on ECF and show proof of such service on the docket.

Dated: January 10, 2020
White Plains, New York



NELSON S. ROMÁN
United States District Judge